

REMARKS/ARGUMENTS

This communication is in response to the final Official Action mailed March 27, 2006. With the present response, the claims that remain pending in this application are claims 1 and 2.

Reexamination and reconsideration of the above-identified application and in light of the remarks that follow, are respectfully requested. Because the present claims are believed to be in condition for immediate allowance over the newly-cited prior art, it is submitted that good and sufficient cause exists for the entry of this amendment in accordance with 37 CFR § 1.116.

As an initial matter, the undersigned would like to thank Examiner Contee for the courtesies extended by her during a telephone interview on April 26, 2006. Specifically, during the telephone interview, the undersigned and the Examiner discussed the newly-cited Kidder reference along with the previously cited Knox reference with respect to the rejection of claims 1 and 2. Based on the interview, the Examiner agreed that there were sufficiently distinguishing limitations in claims 1 and 2 that overcame the combination of Kidder and Knox, including the multiplexing of the download audio data and the audio digital data, such data having two different qualities, and the repeated transmission of the multiplexed data within a program period.

In Kidder, different compression streams are sent separately to the user. The later combination of two such streams, such as separately downloaded streams A1 and A2, are combined to produce a higher quality signal. By contrast, the claimed invention multiplexes the signals together in one repeated transmission. Separate streams from multiple user accesses are not then combined together to create a higher

quality signal. Kidder teaches away from the presently claimed invention by requiring multiple, independent downloads in order to effectively achieve higher quality audio or video (after multiple accesses) whereas the present invention downloads once the high quality information multiplexed with the lower quality information such that, for example, while the user is listening to lower quality audio being broadcast, he can simultaneously download the higher quality download audio data multiplexed in the signal. Kidder teaches away from the present invention because it requires the need to keep reaccessing and redownloading different streams of different qualities to combine to make a higher quality stream rather than using one multiplexed broadcast as is done in the present invention.

Kidder, also does not disclose the means for repeatedly transmitting the multiplexed data within a program period. For instance, with the claimed invention, a song with a length of three minutes is repeatedly broadcasted ten times during a thirty minute program.

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over Knox '913 in view of Kidder. (Applicant notes that Knox '913 is merely a divisional of U.S. Patent No. 6,212,359 to Knox, which has been cited in Applicant's related applications.) The Examiner admits that Knox lacks the broadcast audio and the download audio having different qualities as well as lacking the transmitting means for repeatedly transmitting. However, Knox also lacks the multiplexing means for multiplexing the audio digital data of the audio broadcasts, the digital data for the audio information screen and the download audio data.

To make the purported combination, the Examiner states that it would have been obvious to modify Knox with Kidder "for increasing the effective bandwidth of video sequences/audio

transmitted over a network as taught in Kidder." However, there is no need to increase the effective bandwidth with the presently claimed invention. In the claimed invention, the high quality signal is already combined in the broadcast such there ~~is no need to increase effective bandwidth.~~ Kidder teaches to increase the effective bandwidth by re-accessing and re-downloading different compressed levels to eventually produce a higher quality signal, whereas the claimed invention already has a high quality signal present. Thus, Kidder and the presently claimed invention are directed to different problems and provide different solutions. Therefore, it would not have been obvious to combine Knox with Kidder. However, even if these references were properly combinable, they would not disclose each and every limitation of the claimed invention. For instance, the combination of prior art would lack the multiplexing means and the transmitting means, as well as the multiplexing and transmitting steps of method claim 2.

Accordingly, for all of the reasons discussed above, Applicant submits that the presently pending claims are not rendered obvious by the proposed combination of prior art. Thus, Applicant requests that the rejection of the claims be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 09/341,324

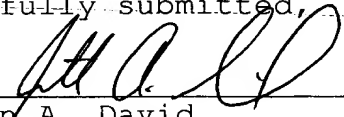
Docket No.: SONYSU 3.3-043

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 15, 2006

Respectfully submitted,

By


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